

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:14CR318
	)	
v.	)	
	)	
DONALD HARVEY,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the Court on the remand of this action from the United States Court of Appeals for the Eighth Circuit (See Filing No. [92](#) and Filing No. [93](#)). That Court found that the two counts constituted double jeopardy and one count needed to be dismissed.

The Court has reviewed the filings relevant to this issue and has concluded that Count II should be dismissed. Accordingly,

IT IS ORDERED that Count II of the indictment is dismissed.

DATED this 24th day of January, 2017.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court